

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 6, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At Large
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Downer announced that on Monday, December 4, 2000, the Board of Supervisors appointed Ms. Joan DuBois to serve as the new Dranesville District Planning Commissioner. She noted that Ms. DuBois' four-year term would begin in January, 2001.

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Commissioner Byers stated that new development conditions had been received for SE-00-V-040, W & N Company, scheduled for decision only tonight. To allow time to review the new conditions, he MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON SE-00-V-040, TO A DATE CERTAIN OF DECEMBER 7, 2000, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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Commissioner Palatiello reminded the Commission that there would be a Policy and Procedures Committee Meeting on Thursday, December 7, 2000 at 7:30 p.m. in the Board Conference Room.

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#7067-SP-13 - RESTON TOWN CENTER, Phase III Residential

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES THAT IT CONSIDER THE VERBATIM OF THIS DISCUSSION AS THE COMMENTS OF THE PLANNING COMMISSION AND RECOMMEND THAT DPW&ES APPROVE THE SITE PLAN IN ACCORDANCE WITH NORMAL PROCEDURES FOR RESTON SECTION 91A, BLOCKS 18 THROUGH 22, PURSUANT TO RZ-85-C-088.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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SP-00-B-055 - PARADISE LEARNING CENTER/DELIVERANCE
PRAISE TEMPLE CHILD CARE CENTER - Appl. under Section
3-103 of the Zoning Ordinance to permit a child care center located at
5102 Thackery Court on approx. 1.41 ac. zoned R-1. Tax Map 69-
3((1))6A. BRADDOCK DISTRICT. ADMINISTRATIVE HEARING.

Mr. Juan Bernal, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application because of its failure to meet the locational guidelines in the Comprehensive Plan as well as inadequate access and screening for the size of the proposed facility.

Mr. Bernal responded to questions from Commissioner Harsel regarding access, parking, size of the proposed play area, history of the subject property, and the Comprehensive Plan recommendations for the area.

Ms. Vanessa Weathers, representing the applicant, spoke about the great need for a child care center in this area. She discussed the history of the subject property and said she was willing to work with residents in the area.

Ms. Weathers responded to questions from Commissioner Harsel regarding the ownership and use of the previous child care center on the site.

In response to questions from Commissioner Hall, Mr. Bruce Douglas, Planning Division, DPZ, reiterated staff's rationale for recommending denial.

In rebuttal, Ms. Weathers repeated her offer to work with area residents to resolve access and screening issues.

Commissioner Harsel noted that she had spoken with Ms. Weathers' attorney and would be meeting with him and Ms. Weathers' again before the BZA public hearing date.

Mr. Bernal had no closing staff remarks, therefore Vice Chairman Byers closed the administrative hearing and recognized Commissioner Harsel for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT, FOR LAND USE REASONS, THAT THE BZA DENY SP-00-B-055.

Commissioners Hall and Smyth seconded the motion which carried unanimously with Commissioners Alcorn and Downer not present for the vote; Commissioner Murphy absent from the meeting.

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Commissioner Wilson, noting that more time was needed to review the issues involved in the Zoning Ordinance Amendment to establish a new Planned Residential Mixed Used District, announced that a working session was scheduled for December 13, 2000. She stated that the session, to be held in the Board Conference Room at 7:30 p.m., was for the Commission and staff and that members of the public were welcome to attend, but no verbal testimony would be allowed. She encouraged interested parties to submit comments in writing and MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON THIS ZONING ORDINANCE AMENDMENT TO A DATE CERTAIN OF DECEMBER 13, 2000.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. AR-91-D-004 - DURWARD & TARRY FARIES
2. SE-00-H-043 - VERIZON VIRGINIA, INC.
2232-H-0025 - VERIZON VIRGINIA, INC.
3. RZ-2000-SU-033 - RITA POWELL
4. PCA-89-V-059 - TOSCO REFINING LP
SE-00-V-031 - TOSCO REFINING LP

This order was accepted without objection.

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AR-91-D-004 - DURWARD & TARRY FARIES - Renewal of previously approved Local A&F District authorized by Chap. 115 (Co. Code), to preserve significant A&F lands in the Co. on property located between Old Dominion Dr. & Georgetown Pike, across from Madeira School on approx. 33.74 ac. zoned R-E. A&F District Advisory Committee Rec.: Approve. Tax Map 20-1 ((1))33-36, 58 & 77. DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. Durward Faries, applicant, reaffirmed the affidavit dated December 8, 1999. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Faires did not make a presentation.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Downer for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE ORCHARD SPRING NURSERY LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ZONING ORDINANCE PROVISIONS DATED DECEMBER 1, 2000.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel, Kelso and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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SE-00-H-043 - VERIZON VIRGINIA INC. - Appl. under Sect. 3-104 of the Zoning Ord. to permit telecommunications facilities on property located at 2516 Horse Pen Rd. on approx. 1.67 ac. zoned R-1. Tax Map 15-4((1))24. (Concurrent w/2232-H00-25.) HUNTER MILL DISTRICT.

2232-H00-25 - VERIZON VIRGINIA INC. - Appl. under Sect. 15.2-2232 of the Code of Virginia to permit telecommunications facilities on property located at 2516 Horse Pen Rd. on approx.

1.67 ac. zoned R-1. Tax Map 15-4((1))24. (Concurrent w/SE-00-H-043.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Ms. Kimberlee Cummings, a planner with McGuire, Woods, Battle & Boothe, reaffirmed the affidavit dated November 17, 2000. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report for SE-00-H-043, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. David Jillson, Planning Division, DPZ, presented the staff report for 2232-H00-25, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Palatiello, Mr. Mayland explained that the architectural elevations provided to the Commission tonight by the applicant were consistent with those shown in the staff report except that the new ones were in color. (A copy of the new elevations is in the date file.)

Ms. Cummings explained that increased consumer demand for telecommunications services was the basis for the applicant's request to expand the facilities on the subject property. She noted that the addition had been carefully designed to be compatible with its residential surroundings. She pointed out the following amenities to be provided:

- 33 percent open space,
- substantial landscaping,
- coordinated access, and
- a phased parking program.

Ms. Cummings stated that Ms. Elizabeth Baker, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, representing Dulles Corner, the adjacent commercial development with which the proposed facility would be sharing access, supported the application.

In response to a question from Commissioner Palatiello, Ms. Cummings said that the applicant was continuing to work with Dulles Corner representatives on the shared access issue.

In response to questions from Commissioner Palatiello, Ms. Leslie Johnson, ZED, DPZ, explained how the phased parking program could result in fewer parking spaces.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from

the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED BY 2232-H00-25 SATISFIES THE CRITERIA OF CHARACTER, LOCATION AND EXTENT AS SPECIFIED IN SECTION 15.2-2232, (CODE OF VIRGINIA), AND IS FOUND TO BE IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-H-043, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN THE MEMORANDUM AND DATED DECEMBER 6, 2000.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT TO THE WEST TO THAT SHOWN ON THE SE PLAT.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT TO THE NORTH, SOUTH, EAST AND WEST.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 28.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Downer not present for the vote; Commissioner Murphy absent from the meeting.

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RZ-2000-SU-033 - RITA POWELL - Appl. to rezone from I-3, AN & WS to I-5, AN & WS to permit a kennel, veterinary hospital & animal crematory w/an overall FAR of 0.10 on property located at 4500 Upper Cub Run Dr. at the terminus of Upper Cub Run Dr. on approx. 6.05 ac. Comp. Plan Rec: Industrial. Tax Map 33-4((1))9 SULLY DISTRICT. PUBLIC HEARING.

Charles Shumate, Esquire, with Shumate, Kraftson and Sparrow, reaffirmed the affidavit dated May 8, 2000. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Harsel, Mr. Mayland confirmed that the proposed development would be done in phases and that the existing facility on site was connected to public sewer.

Mr. Shumate stated that he had worked with staff on this application for several months and was pleased to report that there were no outstanding issues at this time. He noted that the resource protection area on the subject property would be dedicated to the Park Authority and that there would be no adverse impact from the proposed use. He said that the proposal was in accord with the Comprehensive Plan and enjoyed the support of the Western Fairfax County Citizens Association. Mr. Shumate added that the existing use had been at this location for 20 years without violation or incident.

In response to questions from Commissioner Alcorn, Mr. Shumate pointed out that disposal of animal wastes was outlined in Proffer Number 17 and that all other environmental issues had been addressed.

In response to questions from Commissioner Byers, Mr. Shumate said that while Proffer Number 5 indicated that the facility was for household pets only, a rescued wild animal could probably be accepted, at least temporarily, as a humane community service.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Koch for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-033, SUBJECT TO THE EXECUTION OF THE PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Prior to the next case in the Mount Vernon District, Secretary Harsel assumed the Chair.

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PCA-89-V-059 - TOSCO REFINING LP - Appl. to amend the proffers for RZ-89-V-059 to permit commercial development w/an overall FAR of 0.13 on property located on the N. side of Ox Rd., opposite its intersection w/Palmer Dr. on approx. 21.91 ac. zoned C-6. Comp. Plan Rec: Neighborhood shopping center Tax Map 106-2((1))pt. 9; 106-2((7))1, 4 & 5. (Concurrent w/SE-00-V-031.) MOUNT VERNON DISTRICT.

SE-00-V-031 - TOSCO REFINING LP - Appl. under Sect. 4-604 of the Zoning Ord. to permit a service station & quick-service food store on property located N. of Ox Rd., opposite its intersection w/Palmer Dr. on approx. 1.15 ac. zoned C-6. Tax Map 106-2((1))pt. 9. (Concurrent w/PCA-89-V-059.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Ms. Marie Travesky, representing the applicant, reaffirmed the affidavit dated October 11, 2000. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Ms. Travesky noted that the shopping center in which the proposed service station was to be located was designed in Williamsburg style and that the station would be architecturally compatible with that style. She stated that there would be extensive landscaping provided, especially along the northern boundary adjacent to residential Lot 8. She explained that the easement for interparcel access to Lot 8 would be used for a berm and additional landscaping, instead of parking as originally planned, until such time as it was needed. Ms. Travesky stated that the proposed service station would share the single access from Route 123 planned for the shopping center.

Secretary Harsel called the first listed speaker and recited the rules for public testimony.

Mr. Lee Bertrand, representing his mother, the owner of Lot 8, spoke in opposition to the applications. He produced documents (copies in date file) indicating previous agreements between the shopping center's developer and his mother for fencing and sewer access.

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Mr. Bertrand responded to questions from Commissioners Harsel, Byers and Koch regarding the documents.

Ms. Irma Clifton, 8912 Ox Road, Lorton, also spoke in opposition. She noted that promises were made when the shopping center was proposed and that a service station would violate those promises. She specifically objected to the hours of operation and lighting planned.

Ms. Clifton responded to questions from Commissioner Byers regarding her objections.

Mr. Mayland responded to questions from Commissioners Hall, Wilson and Harsel regarding the hours of operation and the effect of proposed lighting.

In response to a question from Commissioner Smyth, Mr. Mayland confirmed that there would be a 30,000 square foot Food Lion grocery store in the shopping center.

In response to questions from Commissioner Harsel, Mr. Mayland explained that the service station was not a free-standing use and therefore would be constructed at the same time as the rest of that portion of the shopping center to which it was attached.

Mr. Daniel Rudolph, 9112 Meadowcreek Lane, Lorton, said that he was opposed to the application mainly because of the proposed hours of operation and extensive lighting.

In response to a question from Commissioner Harsel, Mr. Rudolph confirmed that the subject property was currently vacant.

There being no further speakers, Secretary Harsel called upon Ms. Travesky for a rebuttal statement.

Ms. Travesky passed around an aerial photograph of the area, showing the distance from the subject property to the nearest residence. She stated that Mr. Bertrand's document outlining an agreement with his mother and the shopping center developer was outside of the scope of these applications and the knowledge of the applicant. She noted that the hours of operation could be adjusted. She added that the combination of a grocery store and a quick service food store was not unique in Fairfax County and it had been proven that both operations could be successful even when in close proximity to one another. She pointed out, however, that the hours of the Food Lion were not restricted in any way and that many Food Lion stores operated on a 24-hour basis. Ms. Travesky said that it was her understanding that a fence was proposed by the shopping center developer on the subject property, not on Mrs. Ray's property as outlined in the documents submitted by Mr. Bertrand. In any case, she stated that the fencing in that area was beyond the control of the applicant.

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In response to questions from Commissioner Byers, Ms. Travesky said she did not know Jan Montgomery, to whom the letter concerning a sewer easement was addressed. She added that the conditions required lights at the service station to be dimmed at 10:00 p.m. She added that the lights would be flush-mounted with no spillover.

Commissioner Byers commented that the proffers and conditions needed revision, specifically those dealing with hours of operation and lighting, and therefore announced his intention to defer decision on these applications to allow time to resolve these issues.

Commissioner Wilson commented on the problems with lighting at other service stations and said that although applicants might have good intentions, somehow lighting was still obtrusive.

In response to questions from Commissioner Harsel, Mr. Mayland explained that the hours of operation were contained both in the proffers associated with PCA-89-V-059 and the conditions for SE-00-V-031.

There being no further comments or questions from the Commission and Mr. Mayland having no closing staff remarks, Secretary Harsel closed the public hearing and recognized Commissioner Byers for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Byers MOVED WE DEFER THE DECISION ONLY ON PCA-89-V-059 AND SE-00-V-031 TO A DATE CERTAIN OF DECEMBER 13, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Koch seconded the motion which motion carried unanimously with Commissioner Murphy absent from the meeting.

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The meeting was adjourned at 10:38 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins
Approved on: September 12, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission